

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 18 MAY 2006

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Applicant's or agent's file reference 110351AF	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/NO2004/000383	International filing date (<i>day/month/year</i>) 10.12.2004	Priority date (<i>day/month/year</i>) 10.12.2003
International Patent Classification (IPC) or both national classification and IPC INV. G06F17/30		
Applicant SELJESETH, Kurt		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 10.10.2005	Date of completion of this report 17.05.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer May, M Telephone No. +49 89 2399-6015 <div style="text-align: right;">  </div>

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/NO2004/000383

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-22 as originally filed

Claims, Numbers

1-15 filed with telefax on 10.10.2005

Drawings, Sheets

1-3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-7,9-11,12-15
	No: Claims	1,8,12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US6101537

D2: US20030126461

1. Lack of Novelty

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 8 and 12 is not new in the sense of Article 33(2) PCT.

1.1 The document D2 discloses (the references in parentheses applying to claim 1 and figures 1, 2 of this document):

A method for rapid provision of desired resources for users in a data network ("a method of accessing a website"), characterised in that

*a user (client 102) states a resource query in rich language ("As explained below, the mnemonic is simply **any** text, audio or video representation of a URL.", paragraph [0017]) in a first line user interface attached to the data network ("entering a mnemonic on an electronic device"), intentionally and in accordance with own desire for intended resource delivery ("...the mnemonic being representative of the web site),*

whereafter at least one layer for dynamic communication and handling (mnemonic conversion service 104), implemented at a network context operator, receives, reads and processes said intentional resource query in order to uncover the intention of the user ("converting the mnemonic to a URL"), through processing of the resource query in accordance with user specific and query specific information as well as special handling algorithms ("This is accomplished by comparing the mnemonic received from the client 102 to the registered list of mnemonics in the database 120.", page 3, paragraph [0026]),

whereafter said layer (mnemonic conversion service 104) establishes a connection in the data network directly ("using the URL to access the website") between the user and the specific address of the intended resource (target web page 108), on basis of the uncovered intention.

The subject-matter of claim 1 is hence not new.

1.2 The same reasoning applies, mutatis mutandis, to the subject-matter of the

corresponding independent claims 8 and 12, which therefore are also considered not new.

2. Lack of Inventive Step

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 2-7, 9-11, 13-15 does not involve an inventive step in the sense of Article 33(3) PCT.

2.1 Dependent claims 2-7, 9-11, and 13-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1, D2 and the corresponding passages cited in the search report.

In said claims slight constructional changes in the method of claim 1 are defined which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of claims 2-7, 9-11 and 13-15 also lacks an inventive step.

Comments on the international application

3. Lack of Clarity

3.1 It is clear from the letter of reply from 10 October 2005 that the following feature is essential to the definition of the invention:

(1) *a computer server for handling address and resource queries from users*

Since independent claims 1 and 8 do not contain this feature they do not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

3.2 The technical terms/expressions

network context operator, uncover, address line, states in SMS channel, expresses in WAP channel, makes a transfer to this address,

employed in claims 1-15 are not generally accepted in the art, contrary to the requirements of Rule 10.1(e) PCT.

3.3 The following statement used in claims 1-15 are vague and unclear and leave the

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reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT:
rich language, first line user interface, layer for dynamic communication and handling, intentionally and in accordance with own desire for intended resource delivery

3.4 Claims 1-15 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The following statements attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result:

*in order to uncover the intention of the user, through processing of the resource query in accordance with user specific and query specific information as well as special handling algorithms
on basis of the uncovered intention*

3.5 In his letter of reply from 10 October 2005 the applicant has argued that the application is novel and inventive over D1 in the following four (unclear) contributions:

*rich language,
layer for dynamic communication and handling,
in accordance with user specific and query specific information
a (dynamic) layer establishes a connection in the data network directly between the user and the specific address*

This argumentation is respectfully rejected. It is noted that the applicant bases his entire line of argumentation in favour of novelty and/or inventive step on unclear terms and expressions (see 3.1 - 3.4).

However, an unclear term cannot be allowed in a claim if the term is essential having regard to the invention. Equally, an unclear term cannot be used by the applicant to distinguish his invention from the prior art. Because the objected terms are not clear from the claims alone - particularly as the objected terms are not common in the relevant art - the applicant is not entitled to the benefit of the doubt.